

Two

# ACTS

I. An ACT to take away Damage  
Clear.

II. An ACT to take away the Benefit of  
Clergy from him that doth Stabb another  
not having a Weapon drawn.



D U B L I N,

Re-printed by Andrew Crook, Printer to the Kings  
Most Excellent Majesty, on Ormonde-Key, 1695.

Two

# ACTS

II. An ACT to make and the Benefit of  
Charter town with that Corp Sipp together  
not having a Master or Sheriff.

I. An ACT to make such  
Charter



DA BILI

Re-bounding by the said Corporation of the Town  
of Excellent Mysore, on Ouary-11, 1782.

An Act to take away Damage Clear.

# An Act to take away Damage Clear.

**W**HICHE AS the Moneys which are taken by Prothonotaries of Your Majesties Courts of Kings-Bench and Common-Pleas, and by the Clerk of Your Majesties Court of Exchequer at Dublin, and the Clerks and Prothonotaries in any other Court within this Realm, in the name of Damna Clericorum, or Damage-Clerk, are an unnecessary Charge and Burthen to all Your Majesties Subjects, who have good Cause and put to Sue for Damage in Actions where Damages are Recoverable: for avoiding of which Inconveniency for the future, and that Your Majesties Subjects may have an easier means for the Recovery of their Damages and Just Rights, which are unjustly detained from them: May it please Your Most Excellent Majestie that it may be Enacted, and his Most Excellent Majestie being willing upon all Occasions to Ease his Subjects of all unnecessary Charges and Burthens, is Graciously Pleased that it be Enacted.

And be it Enacted by the King's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament Assembled, and by the Authority of the same, That no Damage Clear shall by any Title or Pretence whatsoever be Due. Payable. Taken

or Received from any Person or Persons in any Action whatsoever, Sued or Prosecuted in any of his Majesty's Courts at Dublin, or elsewhere Within the Kingdom of Ireland, by any Prothonotary Clerk or Clerks, or other Officer or Officers of the said Courts respective, and that the said F<sup>t</sup> of Damna Clericor. or Damage Clear, shall wholly cease and be for ever abolished in the said Courts; and that if any Prothonotary Clerk or Clerks, or other Officer in any of the said Courts, shall take or Exact any Summe or Sums of Money in the name of Damna Clericor or Damage Clear, or any thing in Lieu thereof, or if any of the said Prothonotaries Clerk or Clerks, or their Deputies, shall Exact or take any Damage Clear, or Summe of Money, Bond or Security in Lieu thereof from any Plaintiff or Plaintiffs, Demandant or Defendants, in any Action where Damages have been or hereafter shall be recovered in any of the said Courts, or shall refuse or delay to Sign any Judgment until Damage Clear be well paid by the Plaintiff or Demandant, he or they so offending shall forfeit Treble the Summe so Taken, Crates or Demandado to the Party or Parties grieved, to be recovered by Will, Plaintiff or Information in any of the said Courts, Wherein no Escoyn, Protection or Wager of Law shall be Allowed.

equall and lawfull aduise to make  
immediate ending and an endnuing the law  
and all to ympechall all ye dñe gldm An<sup>t</sup>  
to shke yns yd ffls shld crame on the  
mde attynys an<sup>t</sup> ad reueling the same

to viij. & conditioned before ymmons ymmonis Q  
-Crown, that shal to suffis ymque ymmonis  
-witt ym Hell shal be right to call. & ym be ym  
-gus ym. ym to ym be named ym mori  
An Act to take away the Benefits of Clergy from  
him that doth Stabb another not having a Weapon  
drawns to ym with ym knyfis & sofis  
-yf ym be comyng for ym. ymmonis  
-nowt ym other ymnd that Stabbing and Killing  
with ym Men ym be signen. Done and Com-  
-ynt by many Inhumane and Wick-  
-ed persons in the tyme of their Rage,  
-numbris ym, hiddeyn Displeasure, or other Pas-  
-yon of Mind; Contrary to the Commandment  
of Almighty God; and the Common Peace and  
-Tranquillity of this Realm, may from hence-  
forth be restrained for fear of ym Punishment  
to be inflicted on such Cruel and Bloody Ma-  
-lefactors; who heretofore have been thereto  
-emboldened by presuming on the Benefit of the  
Clergy.

Be it therefore Enacted by the Kings Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and the Commons in this present Parliament Assembled, and by the Authority of the same, That every Person and Persons, Who after the End of this present Parliament shall Stabb or Thrust any Person or Persons that hath not then any Weapon Drawn, or that hath not then first stricken the Party which shall so Stabb or Thrust, so as the Person or Persons so Stabbed or Thrust shall thereof Die within the space of Six Months then next following, although it cannot be proved that the same was Done of Malice Fore-thought, yet the Party so

so Offending, and being therof Convictt Airdit of  
by Lwele Men, Confession, or otherwise, accord-  
ing to the Laws of this Realme shall be Exclu-  
ded from the benefit of his or their Clergy, and  
shall Death as in Case of Felony, without  
benefit of Clergy.

Provided always that this Act, or any thing therein Contained, shall not Extend to any Person or Persons which shall have any portion so Defendendo, or by Misfortune or in any other manner then as aforesaid, not then Extend to any Person or Persons, who in keeping and preserving the Peace shall chance to Commit Manslaughter, so as the said Manslaughter not be Committed willingly, willingly, and be purpose, under pretence and Colour of keeping the Peace, nor shall Extend to any person or persons which shall Chancely or Conveniently be Servant, slave, or his or their Servant and Purpose Chancely or Conveniently Manslaughter.

